

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

MINNESOTA LIFE)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.) No.: 3:14-CV-443-TAV-CCS
)
WILMINGTON TRUST COMPANY, as)
Securities Intermediary;)
FUND HOUSE FCP-SIF-INTERNATIONAL)
LIFE SETTLEMENTS FUND;)
GENESIS MERCHANT PARTNERS, LP;)
SMARTBANK; and J. RANDALL HOOPER)
and RICHARD J. GETTELFINGER,)
Co-Executors of the Estate of)
HERMAN GETTELFINGER,)
)
Defendants.)

ORDER

This civil matter is before the Court on the Report and Recommendation entered by United States Magistrate C. Clifford Shirley, Jr., on July 22, 2016 (the “R&R”) [Doc. 81]. In the R&R, Magistrate Judge Shirley recommends that plaintiff’s motion for interpleader relief [Doc. 54] be granted in part and denied in part; the Motion for Disbursement of Funds Pursuant to Fed. R. Civ. P. 67(b) [Doc. 56] be granted; and the Motion to Enforce Settlement Agreement [Doc. 72] be denied as moot. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

After a careful review of the matter, the Court is in agreement with Magistrate Judge Shirley’s recommendations, which the Court adopts and incorporates into its ruling.

Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 81]. The Court hereby **GRANTS IN PART and DENIES IN PART** Minnesota Life Insurance Company's Motion for Interpleader Relief as to Defendants J. Randall Hooper and Richard J. Gettelfinger, Co-Executors of the Estate of Herman Edward Gettelfinger [Doc. 54]. Accordingly, the Court hereby **GRANTS** the Motion for Disbursement of Funds Pursuant to Fed. R. Civ. P. 67(b) [Doc. 56]. The Motion to Enforce Settlement Agreement [Doc. 72] is hereby **DENIED as MOOT.**

The Clerk of Court is **AUTHORIZED** and **DIRECTED** to disburse the funds as follows:

1. SmartBank in the amount of \$175,000.00 representing the policy proceeds on Policy No. 2-350-013N; and
2. Fund House FCP-SIF-International Life Settlements Fund in the amount of \$2,825,000.00 and all interest accrued on the policy proceeds, representing the balance of the policy proceeds from Policy No. 2-350-013N and 2-348-015N. Said proceeds shall be distributed in care of Locke Lord, LLP.

There being no further matters before the Court, the Clerk of Court is **DIRECTED** to **CLOSE** this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin
CLERK OF COURT